

Agricultural Marketing Service, USDA

§ 985.10

Subpart—Order Regulating Handling

DEFINITIONS

§ 985.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 985.2 Act.

Act means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, Stat. 31, as amended; 7 U.S.C. 601–674).

§ 985.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 985.4 Spearmint oil.

Spearmint oil, hereinafter referred to as *oil*, means essential oil extracted by distillation from plants, grown in the production area, of the genus *Mentha*, species *Cardiaca* (commonly referred to as Scotch Spearmint), *Spicata* (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

Class 1: Oil extracted from the first cutting of Scotch Spearmint.

Class 2: Oil extracted from the second cutting of Scotch Spearmint.

Class 3: Oil extracted from Native Spearmint.

Class 4: Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

The Committee, with the approval of the Secretary, may change these classes to recognize new, or delete obsolete, classes.

§ 985.5 Production area.

Production area means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th me-

ridian. The area shall be divided into the following districts:

(a) District 1. State of Washington

(b) District 2. The State of Idaho and that portion of the States of Nevada and Utah included in the production area.

(c) District 3. The State of Oregon.

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§ 985.6 Producer.

Producer is synonymous with *grower* and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

Handler means any person who handles oil.

§ 985.8 Handle.

Handle means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the production area or from the area to points outside thereof: *Provided*, That:

(a) The preparation for market of salable oil by producers who are not dealers or users,

(b) The sale or transportation of salable oil by a producer to a handler of record within the production area, or

(c) The transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or

(d) The delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing year.

Marketing year means the 12 months from June 1 to the following May 31, inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 985.10 Crop.

Crop means that oil produced by a producer during the marketing year.